

1 Thomas Friedman, Esq. (Bar #7708)
2 BROWN, BONN & FRIEDMAN, LLP
3 5528 S. Fort Apache Rd.
4 Las Vegas, NV 89135
(702) 942-3900
(702) 942-3901 Fax
tfriedman@brownbonn.com
5 Attorney for Defendants
I-FLOW, LLC

6 P. Mark Crane (*Pro Hac Vice*)
7 Lee J. Hurwitz (*Pro Hac Vice*)
8 SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD.
233 South Wacker Drive
9 Chicago, Illinois 60606
(312) 645-7800
(312) 645-7811 Fax
mcrane@smsm.com
11 lhurwitz@smsm.com
12 Attorney for Defendants
I-FLOW, LLC

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 Ryan Q. Claridge,

16 Plaintiff,

17 vs.

18 I-FLOW CORPORATION, a Delaware
19 corporation; I-FLOW, LLC, a Delaware limited
20 liability company; DJO LLC (f.k.a. DJ
21 ORTHOPEDICS, LLC), a Delaware limited
22 liability company; DJO, INCORPORATED, aka
23 DJO, INC., a Delaware corporation; STRYKER
CORPORATION, a Michigan corporation; and
STRYKER SALES CORPORATION, a
Michigan corporation,

24 Defendants.

25 Case No.: 2:18-cv-01654-GMN-BNW

26 **STIPULATED MOTION TO EXTEND
THE JULY 2, 2020 DISCOVERY
DEADLINE**

27 Complaint Filed: August 30, 2018

1 The Parties file this stipulated motion for an Order extending the discovery
 2 closure deadline to July 31, 2020 pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rules
 3 26-3 and IA 6-1.

4 This Court has acknowledged¹², and Plaintiff has agreed³, that a discovery
 5 extension past the current July 2, 2020 deadline may be necessary.

6 The Parties have scheduled 11 depositions through the end of June and three
 7 depositions in July. The Parties will also need to schedule the deposition of Plaintiff's
 8 expert, Peggy Pence, who was granted an extension to disclose her rebuttal report by
 9 June 1, 2020.

10 Further, the Parties also await the Court's ruling on Defendants' pending
 11 Motion to Compel, which will be heard on June 17, 2020. If the Motion is granted,
 12 additional discovery will be necessary.

13 The Parties also await the Judge Navarro's decision on Plaintiff's objection to
 14 the Court's Order compelling Plaintiff to present for neurological and psychological
 15 Rule 35 examinations by separate physicians. Judge Navarro's decision on Plaintiff's
 16 objection remains pending with no certainty as to when the decision will be issued.
 17 The Parties cannot schedule either examination until after Judge Navarro's ruling on
 18 the Court's Order. Meanwhile, Defendants' Rule 35 examiners (Dr. Lewis Etcoff
 19 and Dr. Andrew Woo) will author reports following their examination, and Plaintiff
 20 has reserved the right to take the depositions of Defendants' Rule 35 after their
 21 respective Rule 35 examinations have taken place. Due to the pending appeal, these
 22 depositions cannot be scheduled prior to July 2, 2020.

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26 ¹ The Court: "I am going to continue all discovery but only 45 days. This is understanding that the defense may need
 27 more time." April 8, 2020 Hrg. Trans. at p. 26.

27 ² The Court: "So my suggestion to the defense is going to go ahead and schedule all of these depositions as close to
 28 July 2 as possible. If it needs to go to the end of July, that's understandable." May 11, 2020 Hrg. Trans. at p. 11.

28 ³ Plaintiff: "...if we – if we move some depositions into July, I think that's completely acceptable on behalf of the
 plaintiff." May 11, 2020 Hrg. Trans. at p. 12.

1 The Parties file this stipulation out of an abundance of caution in an effort to
2 comply with LR 26-3.

3 **IT IS HEREBY STIPULATED AND AGREED THAT:**

4 With the Court's consent, the discovery closure deadline in this action shall be
5 extended to July 31, 2020.

6 **IT IS SO STIPULATED AND AGREED**

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10 [signatures on the next page]

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12 **IT IS SO ORDERED**

13 **DATED: June 10, 2020**

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17 **BRENDA WEKSLER**
18 **UNITED STATES MAGISTRATE JUDGE**

1 ER INJURY ATTORNEYS
2

3 By:/s/ Corey M. Eschweiler
4

5 Corey M. Eschweiler, Esq.
6 Nevada Bar No. 6635
7 4795 South Durango Drive
8 Las Vegas, Nevada 89147
9 *Co-Counsel for Plaintiff*

10 SNELL & WILMER, LLP
11

12 By:/s/ Vaughn A. Crawford
13

14 Vaughn A. Crawford, Esq.
15 Nevada Bar No. 7665
16 Dawn L. Davis, Esq.
17 Nevada Bar No. 13329
18 3883 Howard Hughes Pkwy, #1100
19 Las Vegas, NV 89169-5958
20 *Co-Counsel for Defendants Stryker Corp.*
21 *and Stryker Sales Corp*

22 BROWN, BONN & FRIEDMAN, LLP
23

24 By:/s/ Thomas Friedman
25

26 Thomas Friedman, Esq.
27 Nevada Bar No. 7708
28 5528 S. Fort Apache Rd.
Las Vegas, NV 89135
Attorneys for Defendant I-Flow, LLC

DEWSNUP KING OLSEN WOREL
HAVAS MORTENSEN

By:/s/ Colin P. King

Colin P. King, Esq.
Pro Hac Vice
36 South State Street, Suite 2400
Salt Lake City, UT 84111
Co-Counsel for Plaintiff

MINTZ LEVIN COHN GERRIS
FLOVSKY AND POPEO, P.C.

By:/s/ Christopher P. Norton

Christopher P. Norton, Esq.
Pro Hac Vice
2029 Century Park East, Suite 3100
Los Angeles, CA 90067
Co-Counsel for Defendants Stryker Corp.
and Stryker Sales Corp

SEGAL MCCAMBRIDGE SINGER &
MAHONEY, LTD.

By:/s/ Lee J. Hurwitz

Lee J. Hurwitz, Esq. (*Pro Hac Vice*)
Mark Crane, Esq. (*Pro Hac Vice*)
233 S. Wacker Dr., Suite 5500
Chicago, Illinois 60606

Peter J. Strelitz, Esq. (*Pro Hac Vice*)
100 Congress Ave., Suite 800
Austin, Texas 78701
Attorneys for Defendant I-Flow, LLC

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On June 9, 2020, I caused to be served a true and correct copy of the foregoing **STIPULATED MOTION TO EXTEND THE JULY 2, 2020 DISCOVERY DEADLINE DISCLOSURES** by the method indicated below:

VIA CM/ECF ELECTRONIC FILING NOTIFICATION where specified on the attached service list.

Corey M. Eschweiler, Esq. (SBN 6635)
ER INJURY ATTORNEYS
4795 South Durango Drive
Las Vegas, Nevada 89147
Telephone: (702) 877-1500
Facsimile: (702) 933-7043
corey@erinjuryattorneys.com
Attorneys for Plaintiff

Colin P. King (UT Bar No. 1815)
(*Admitted Pro Hac Vice*)
DEWSNUP KING OLSEN WOREL HAVAS
MORTENSEN
36 South State Street, Suite 2400
Salt Lake City, UT 84111
Telephone: (801) 533-0400
cking@dkowlaw.com
Attorneys for Plaintiff

Vaughn A. Crawford, Esq.
Dawn Davis, Esq.
SNELL & WILMER
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169-5958
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
vcrawford@swlaw.com
ddavis@swlaw.com
*Attorneys for Defendants Stryker Corporation
and Stryker Sales Corporation*

Christopher P. Norton, Esq. (Pro Hac Vice)
MINTZ LEVIN COHN FERRIS GLOVSKY
and POPEO, P.C.
2029 Century Park East, Suite 3100
Los Angeles, CA 90067
Telephone: (310) 586-3200
Facsimile: (310) 586-3202
cpnorton@mintz.com
*Attorneys for Defendants Stryker Corporation
and Stryker Sales Corporation*

DATED this 9th day of June, 2020.

/s/ Tara McClelland

Tara McClelland

An Employee of BROWN, BONN & FRIEDMAN, LLP